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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,346	07/27/2001	Jun Hirai	212055US2S	7186

22850 7590 07/27/2005

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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/915,346

Applicant(s)

HIRAI, JUN

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/27/05</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This Action is in response to an Amendment filed April 1, 2005. Claims 27-50 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

#### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on April 27, 2005 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 27-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. The term "sufficient" in claims 27,35,38,46,49,50 is a relative term which renders the claim indefinite. The term "sufficient" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear what the audience number must be in order to be sufficient.

#### *Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 38-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject

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matter under 35 U.S.C. 101. The communication medium wherein the program code can be transmitted is not tangible and therefore not considered statutory subject matter.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 27-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Zilberstein et al. (US 6,606,657), herein referred to as Zilberstein.

As per claims 27,35,38,46,49,50, Zilberstein discloses a web audience analyzing method for analyzing of a Web page assembly constituted of at least one Web page by a computer, comprising the steps of:

acquiring related information including a designation of a related page assembly which is related to a Web page assembly as an analysis object (see column 5, lines 1-16), the related page assembly having an audience number which is sufficient for statistical analysis processing (see column 5, lines 61-64);

acquiring audience characteristic information on the related page assembly designated by said related information (see column 5, lines 1-16); and

executing statistical analysis processing based on the acquired audience characteristic information on the related page assembly and outputting a statistical analysis result of the related page assembly as an estimated value of the audience characteristic of the analysis object Web page assembly (see column 5, lines 61-64).

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As per claims 28,39, Zilberstein further discloses that the related information is generated based on the designation of the related page assembly which is related to said analysis object Web page assembly and selected from Web page assemblies present on a network (see column 4, lines 51-67).

As per claims 29,40, Zilberstein further discloses that said related information includes the designation of the related page assembly which is linked with said analysis object Web page assembly in a predetermined relation (see column 7, lines 5-15).

As per claims 30,41, Zilberstein further discloses that the related information includes the designation of the related page assembly which is a linker of said analysis object Web page assembly (see column 7, lines 5-15).

As per claims 31,42, Zilberstein further discloses that the related information includes the designation of the related page assembly which has a linker common with the linker of said analysis object Web page assembly (see column 7, lines 5-15).

As per claims 32,43, Zilberstein further discloses that related information is generated based on the designation of the related page assembly obtained as a linker of said analysis object Web page assembly by processing referrer information indicating the linker of a Web page accessed utilizing a link (see column 7, lines 27-33).

As per claims 33,44, Zilberstein further discloses obtaining the number of accesses utilizing a link to said analysis object Web page assembly from the related page assembly designated by said related information for each related page assembly designated by said related information by processing said referrer information (see column 5, lines 61-67 and column 6, lines 1-2); and

weighting the audience characteristics information acquired in accordance with the number of accesses (see column 6, lines 20-32).

As per claims 34,45, Zilberstein further discloses obtaining the number of users having utilized a link to said analysis object Web page assembly from the related page assembly designated by said related information for each related page assembly designated by said related information based on user identifying information transmitted from a terminal of the user having accessed a Web server, and said referrer information (see column 5, lines 61-64); and

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weighting the audience characteristic information acquired in accordance with the number of users (see column 6, lines 33-44).

As per claim 36,47, Zilberstein further discloses that the designation of the analysis object Web page assembly is inputted via a network (see column 4, lines 51-67).

As per claim 37,48, Zilberstein further discloses that the estimated value of the audience characteristic of the analysis object Web page assembly is provided via a network (see Fig. 4).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 27-50 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

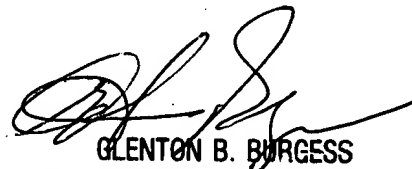
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea  
Examiner  
Art Unit 2153

PJC 7/18/05



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